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# BOOK REVIEWS.

GEORGE W. JAKES, *Editor-in-Charge.*

*It is the policy of the COLUMBIA LAW REVIEW to rely upon its reviewers, who are carefully chosen, for the merits of its book reviews. This policy was pursued with reference to the review of DR. JAMES BROWN SCOTT'S, THE HAGUE CONFERENCES OF 1899 AND 1907, which appeared in our last number. Because of the gravity of the situation created by its appearance the editors have since carefully examined the work, and are satisfied that the charge of plagiarism impliedly conveyed is unfounded. We now express our deep regret that the charge should have found a place in our columns.*

*We print the following comments on the review in question.—ED.*

It is an ungrateful task and one which only the stern demands of justice could excuse to criticise the work of a reviewer in the columns to whose hospitality he was invited. But the character of the review of Dr. James Brown Scott's work which was printed in the last number of this journal makes the duty a plain one.

It would not do to call the review in question a hostile one, for that would be to impute a motive which the reviewer disclaims; but it is certainly within bounds to characterize it as harsh, ungenerous and wholly lacking in that consideration which one member of the confraternity of scholars has a right to expect from another. The imputation of literary dishonesty which the review conveys calls for even stronger condemnation. Surely the evidence marshalled in the portentous form of "the deadly parallel" furnishes not the slightest basis for such an insinuation. It would be only too easy to retort on the critic by calling attention to the ingenious way in which he has arranged his evidence, selecting his quotations from separate and distinct paragraphs of the original and suppressing intervening passages in which Dr. Scott refers to the authorities whom he is paraphrasing or quoting. But this would be to be as unfair to our reviewer as he has been to his author and no more so. The truth is that Dr. Scott's work, along with abundant evidence of an anxious desire to give full credit for the material of which he has rightfully made use, shows instances of carelessness in this regard in a composition which bears other evidences of haste. But to read plagiarism into these instances is the very abnegation of criticism. For surely the "virtue" of the critic is a certain "sweet reasonableness" and the scholar who sets himself to vindicate the worth and dignity of scholarship, pure and undefiled, should be as careful of the inferences he suggests as of the "facts" which he sets forth. Indeed, as everybody knows, facts are the lyingest things in the world unless they are presented in the right perspective, and a judgment distorted by prejudice or by defective vision—though not so easy to exhibit in parallel columns—is at least as abhorrent to sound scholarship as a misplaced or forgotten citation.

It is because he believes that the review in question sins against these canons of criticism that the writer of these lines has

craved of the editors the space to comment briefly on Dr. Scott's book. Among those who are familiar with the author's brilliant work at the Second Hague Conference, especially with the remarkable series of addresses delivered by him in that distinguished assemblage, and with his numerous and varied contributions to the *American Journal of International Law*, of which he is the editor, his reputation as an international lawyer and writer needs no defense. The appraisal of his book may safely be left to his colleagues at the Hague, to the distinguished Secretary of State under whose wise and inspiring leadership the American delegation acted, and to the masters of international law who have united in praising it. A work that has received the approval of such international jurists as de la Pradelles in France, Nys in Belgium, Oppenheim in England and Baldwin in the United States, may well be regarded as secure in the esteem of the profession.

In truth the book is worthy of this high commendation. It is a clear, connected and interesting account of the work of the two Hague Conferences, displaying on every page wide learning and the sure touch of a master. But it is more than this. As Professor Oppenheim points out,<sup>1</sup> "The author \* \* \* refuses to play the part of a simple spectator and recorder, but exercises also the tasks of an acute critic and a wise counsellor." The work is, therefore, a real contribution to the history of international relations, as sound in its philosophy as it is acute and penetrating in its criticism.

In its literary form the book is not unworthy of its theme. The author is master of a vigorous style which is always clear and which occasionally rises to real eloquence of expression. That the work is not wholly free from faults of style, that it contains some redundant matter and some repetitions and that its purity is sometimes marred by an infelicitous turn of expression, may be admitted without serious abatement of our admiration for its many excellences. It is a good, honest piece of work and deserves a permanent place in the literature of diplomacy and international law.

*George W. Kirchwey.*

THE LAW OF PERSONS AND DOMESTIC RELATIONS (HORNBOOK SERIES).  
By WALTER C. TIFFANY; 2nd Ed. by ROGER W. COOLEY. St. Paul,  
Minn.: WEST PUBLISHING Co. 1909. pp. xiii, 656.

This text book on the Law of Persons and Domestic Relations follows the well known general plan of the Hornbook Series. Each section is headed by a concise statement of leading principles in black letter type, which in turn "is followed and illustrated by a fuller treatment in the subsidiary text," and the authorities are given in the foot notes. For a book of this character, obviously designed for the beginner, the citations are just about full enough to be serviceable. There is much to commend the exhaustive citation of authorities in a work purporting to represent original research on the part of the author and designed to be a complete treatise on the particular branch of the law to which it is devoted. However, the reader will probably remember his own experience while a student with text and case-books in which each leading case or principle was followed by compendious foot notes informing him that what he had just read

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<sup>1</sup>3 *American Journal of International Law* 1055.